

ESTTA Tracking number: **ESTTA10112**

Filing date: **06/14/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Joanna Sasha & Friends Food Service, Inc.
Granted to Date of previous extension	06/16/2004
Address	Joanna Sasha & Friends Food Service, Inc. 16 East 48th Street New York, NY 10017 UNITED STATES

Attorney information	Arnie Herz, Esq. Arnie Herz, Attorney At Law 14 Vanderventer Ave. Ste. 255 Port Washington, NY 11050 UNITED STATES arnie@arnieherz.com Phone:516-767-0800
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Applicant Information

Application No	78209308	Publication date	02/17/2004
Opposition Filing Date	06/14/2004	Opposition Period Ends	06/16/2004
Applicant	Leonard Rosenthal		

Goods/Services Affected by Opposition

Class 006. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: Metal container used as a novelty gift item

Attachments	Notice of Opposition.pdf.pdf (3 pages)
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Signature	/Arnie Herz/
Name	Arnie Herz, Esq.
Date	06/14/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application No. 78/209308

For the mark MANGIAMINTS

Publication Date: February 17, 2004

Mangia 57, Inc. f/k/a Joanna Sasha &
Friends Foods Service, Inc.

Opposer

v.

Leonard Rosenthal,

Applicant.

Petition To Oppose No. _____

NOTICE OF OPPOSITION

Mangia 57, Inc. ("Mangia 57") f/k/a Joanna Sasha & Friends Foods Service, Inc. is a corporation organized and existing under the laws of the State of New York with a principal business address of 16 East 48th Street, 4th Floor, New York, NY 10017 ("Opposer") and believes it will be damaged by the above-identified mark MANGIAMINTS, Application Number 78/209308, and hereby petitions to oppose the registration in International Class 6.

As grounds for the Opposition, it is alleged:

1. Opposer is the owner of the registered trademarks MANGIA (AND DESIGN), Reg. Nos. 1,980,353, and 2,017,176 for use in connection with catering and carry-out restaurant services and gourmet food specialty shop services.
2. Opposer has continuously used the mark MANGIA in interstate commerce since at least February 1982 and continues to use the mark.
3. Applicant's mark is subject to an Intent to Use application filed January 31, 2003. As such, Opposer's first use predates Applicant's first use by over 20 years and Opposer has the prior rights.
4. Applicant's mark MANGIAMINTS is affixed to small tin canisters containing edible mints. As such, MANGIAMINTS is a mark used to sell a food product and offers its product in the same channel of trade in which Opposer uses its mark.
5. Applicant's mark MANGIAMINTS is confusingly similar in spelling, appearance, sound, connotation and overall commercial impression to Opposer's mark MANGIA.
6. The registration of Applicant's mark MANGIAMINTS, is likely to cause confusion, or to cause mistake, or to deceive the public as to the origin of Applicant's goods bearing the trademark, MANGIAMINTS, all in violation of 15 U.S.C. § 1052(d).

WHEREFORE, for the foregoing reasons, Opposer's instant Petition to Oppose should be granted and registration of the mark MANGIAMINTS should be denied.

A triplicate copy of this Petition to Oppose and the statutory fee of \$300.00, are enclosed herewith.

Dated: Port Washington, New York
June 14, 2004

Respectfully submitted,

Arnie Herz, Attorney at Law

BY: 

Arnie Herz, Esq.
Attorney for Opposer
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Friends Foods Service, Inc.
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